

# FEDERAL REGISTER

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Washington, Thursday, December 15, 1949

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter C—Procedural Regulations

[Regs., Serial No. PR-4]

#### PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of December 1949.

Part 97 of the Civil Air Regulations currently provides rules of practice in cases arising under sections 602 and 609 of the Civil Aeronautics Act of 1938, as amended, and petitions for waiver of Civil Air Regulations. Experience since 1946 when the last major revision of the rules was promulgated has indicated the need for some modification of existing rules. It is also believed desirable to rearrange the sequence of the rules to correspond with the chronology of a proceeding from its initiation through final Board consideration. There have also been added provisions establishing procedures for handling requests for rule making.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby rescinds Part 97 of the Civil Air Regulations (14 F. R. 4321) and makes and promulgates a new Part 301 of the Board's procedural regulations to read as follows effective March 1, 1950:

#### Sec.

##### 301.0 Applicability of part.

###### INITIAL PROCEDURE

- 301.1 Who may initiate proceedings.
- 301.2 Time limitation on instituting proceedings.
- 301.3 Contents of complaint or petition.
- 301.4 Filing of complaint or petition.
- 301.5 Record of previous violations.
- 301.6 Service of pleadings, notices, and other matters.
- 301.7 Answer.
- 301.8 Motion for more definite statement.
- 301.9 Amendment of pleadings.
- 301.10 Withdrawal of pleadings.
- 301.11 Request for or waiver of hearing.
- 301.12 Appearances.
- 301.13 Notice of hearing.
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pension or revocation of a certificate may be initiated by the Administrator of Civil Aeronautics as Complainant by filing a complaint with the Board. Where the Administrator has denied an application for the issuance of an airman certificate, the applicant may initiate a proceeding by filing a petition for review of such denial.			
(b) Any other person. Any person may file a complaint requesting the suspension or revocation of a certificate. The complaint shall be verified by the Complainant, or when the Complainant is a corporation, by a responsible officer thereof. Upon receipt the Board shall refer the complaint to the Administrator for such action as he may deem appropriate.			
§ 301.2 Time limitation on instituting proceedings. The examiner shall, unless good cause is shown for the delay, dismiss any allegations in a complaint requesting suspension of an airman certificate on the basis of alleged violations of Title VI or other misconduct occurring more than six months prior to the date of filing thereof, and dismiss any petition for review of the Administrator's refusal to issue an airman certificate filed more than six months after such refusal.			

*415*  
**§ 301.3 Contents of complaint or petition.** The complaint or petition shall contain a short, plain statement of the grounds upon which the Board's legal authority and jurisdiction rest; a plain statement of the facts on which the Complainant's or Petitioner's case rests; and a statement of the action requested.

**§ 301.4 Filing of complaint or petition.** An original and 9 copies of the complaint, either in printed or typewritten form, shall be filed with the Board. A petition may be filed by mailing to the Board a signed letter stating briefly the facts upon which the petition rests.

**§ 301.5 Record of previous violations.** Where a Respondent has had a certificate suspended or revoked or has had a civil penalty assessed against him for a violation of Title VI or Title VII of the act or has been subjected to any previous disciplinary action for violation of air safety standards, the Administrator shall serve notice on the Respondent prior to hearing, or to submission of evidence where hearing has been waived, that he intends to call such matters to the attention of the examiner, if the examiner determines that Respondent has committed any of the offenses alleged in the complaint. The Respondent may file with the Administrator such reply as he deems advisable.

**§ 301.6 Service of pleadings, notices, and other matters.** When a complaint by the Administrator is filed, the Board shall either cause personal service to be made upon the Respondent or dispatch by registered mail a copy thereof to the Respondent, together with a copy of these rules of practice and a statement concerning hearing as provided in § 301.11. Such complaint shall be deemed served upon the Respondent on the date of personal service or the date of mailing to the last known address of the Respondent. Petitions and all other notices, pleadings, orders, and decisions shall be similarly served on the parties.

**§ 301.7 Answer.** After service upon Respondent of the complaint or petition the Respondent shall have ten days within which to answer in writing the allegations set forth therein. An original and two copies of such answer shall be filed with the Board. An answer when received shall be deemed filed as of the date of mailing to the Civil Aeronautics Board properly addressed, in accordance with written instructions received upon service of the complaint or petition with postage prepaid. Failure to answer any of the allegations within the prescribed ten-day period shall be deemed an admission of the allegations not answered. Upon good cause shown, the examiner to whom the case is assigned or the Board may grant additional time within which to answer.

**§ 301.8 Motion for more definite statement.** Respondent may file with his answer a motion that the allegations in the complaint or petition be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the examiner is not complied with within 15 days after

notice is given, the examiner shall strike the allegation or allegations in any complaint or petition to which the motion was directed.

**§ 301.9 Amendment of pleadings.** At any time more than 15 days prior to the time of hearing, a party to a proceeding may amend his pleadings by serving a copy of the amended pleadings on the adverse party and by filing three copies with the Board. After that time, or in the event a hearing has been waived, amendment shall be allowed at the discretion of the examiner assigned to the case. Where amendment has been granted, the examiner may allow the adverse party a reasonable opportunity to reply and to request a hearing thereon.

**§ 301.10 Withdrawal of pleadings.** A party to a proceeding may withdraw his pleadings at any time prior to hearing or, where hearing has been waived, prior to submittal of evidence. Thereafter, a pleading may be withdrawn only upon approval of the examiner or the Board.

**§ 301.11 Request for or waiver of hearing.** An appropriate form indicating a request for or a waiver of a hearing shall be mailed to Respondent with a copy of the complaint. Respondent may request a hearing until the expiration of the time for filing of his answer. Failure to make request within the prescribed time shall be deemed a waiver of Respondent's right to a hearing.

**§ 301.12 Appearances.** Any party to a proceeding may appear and be heard in person or by attorney. No register of persons who may practice before the Board is maintained and no application for admission to practice is required. Any person practicing or desiring to practice before the Board, may upon hearing and good cause shown, be suspended or prohibited from so practicing. Section 302.17 of the procedural regulations, "Representation of Private Parties by Persons Formerly Associated with the Board," shall be applicable to safety as well as economic proceedings.

**§ 301.13 Notice of hearing.** When a hearing has been requested, the examiner to whom the case is assigned or the Board shall give the parties adequate notice of the date and place where such hearing will be held and the nature of such hearing. In fixing the times and places for hearing, due regard shall be had for the convenience of the parties and their representatives.

**§ 301.14 Subpoenas.** Subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence at a hearing may be issued by the examiner to whom the case is assigned upon application by any party to a proceeding; the application for production of documentary or tangible evidence shall show the general relevance and reasonable scope of the evidence sought.

**§ 301.15 Depositions.** After complaint or petition is filed, testimony may be taken by deposition at the instance of any party to the proceedings in accordance with the provisions of section 1004

of the Civil Aeronautics Act of 1938, as amended. (See § 301.22 (a) (4).)

**§ 301.16 Intervention.** Any person having a substantial interest in the subject matter of any proceeding may petition for leave to intervene in such proceeding and may become a party thereto, if the examiner finds that such person may be bound by the order to be entered in the proceeding or that such person has a property or financial interest which may not be adequately represented by existing parties: *Provided*, That such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown no petition for leave to intervene will be entertained if filed less than 10 days prior to hearing.

**§ 301.17 Submission without hearing.** If a hearing has been waived by the Respondent, the record shall consist of the pleadings and such signed statements, reports, documents, and exhibits as may be submitted by the parties. On the basis of such record the examiner shall issue his initial decision in writing. The service of the decision and all proceedings thereafter shall be in accordance with rules relating to written initial decisions as set forth in § 301.26.

#### HEARINGS

**§ 301.20 Assignment of examiner.** The hearing shall be held before an examiner assigned by the Board.

**§ 301.21 Disqualification of examiner.** An examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial decision in the case, there is filed, in good faith, an affidavit of personal bias or disqualification with substantiating facts and the examiner does not withdraw, the Board shall determine the matter as a part of the record and decision in the case, if an appeal is filed from the examiner's initial decision. The Board shall not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

**§ 301.22 Powers of hearing examiners.** (a) A hearing examiner shall have the following powers:

- (1) To give notice concerning and hold hearings;
- (2) To administer oaths and affirmations;
- (3) To examine witnesses;
- (4) To issue subpoenas and to take or cause depositions to be taken;
- (5) To rule upon offers of proof and receive evidence;
- (6) To regulate the course of the hearing;
- (7) To hold conferences, before or during the hearing, for the settlement or simplification of issues, by consent of the parties;
- (8) To dispose of procedural requests or similar matters;
- (9) Within his discretion, or upon the direction of the Board, to certify any question to the Board for its consideration and disposition;
- (10) To make initial decisions;

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(11) To take any other action authorized by these rules.

(b) The hearing examiner's authority in each case will terminate:

(1) When the time for filing specifications of error under § 301.30 has expired;

(2) When he shall have withdrawn from the case upon considering himself disqualified.

**§ 301.23 Evidence.** (a) *Right to full and true disclosure of the facts.* Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) *Burden of proof.* The Complainant or Petitioner shall have the burden of proof.

(c) *Admission and exclusion of evidence.* The hearing examiner shall admit relevant, material, and competent evidence, and may exclude irrelevant, immaterial, incompetent, or unduly repetitious evidence.

(d) *Order to be based on whole record.* No initial decision shall be issued except upon consideration of the whole record or such portions as may be cited by any party and as supported by and in accordance with reliable, probative and substantial evidence.

**§ 301.24 Argument and submittals.** The examiner shall give the parties to the proceedings adequate opportunity for the presentation of arguments in support of motions, objections, and exceptions to his decision. Prior to each initial decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

**§ 301.25 Record.** The transcript of testimony and exhibits, together with all papers, requests, and rulings filed in the proceeding, shall constitute the exclusive record for decision. The record shall include any agency proceeding upon an affidavit of personal bias or disqualification of an examiner and the initial and final decisions, if any. Copies of the transcript may be obtained by any party from the official reporter upon payment of the fees fixed therefor.

**§ 301.26 Initial decision.** (a) When a hearing has been held in a proceeding, the examiner may render his initial decision orally at the close of the hearing, or he may render such decision in writing at a later date.

(b) Where the examiner has determined that remedial action is required the examiner shall inquire of the Administrator if there is any record of previous suspensions or revocations of Respondent's certificates; whether Respondent has had any assessment of civil penalties levied on him or any previous disciplinary action for violation of air safety standards; whether proper notice thereof has been given Respondent, and request copies of any reply thereto.

(c) The initial decision shall include a statement of findings and conclusions, as well as the reasons or basis therefor,

upon all material issues of fact (including the credibility of witnesses where such finding is material), law, or discretion presented on the record and the appropriate sanction or denial thereof.

(d) If the initial decision is in writing, the examiner shall prepare and serve the initial decision upon the parties. At any time before the date for filing appeal has passed, the examiner or the Board may, for good cause shown, extend the time within which to file an appeal to the Board and the examiner may also reopen the case for good cause upon notice to the parties.

(e) If no appeal to the Board from either party nor motion by the Board to review the initial decision is filed within the time allowed, such initial decision shall become final. The filing of such appeal or motion shall stay the order in the decision.

### APEALS

**§ 301.30 Procedure.** A party may appeal by filing with the Board a notice of appeal within 10 days after notice of the initial decision. The appeal may be dismissed by the Board unless within 20 days after notice of initial decision, or such additional time as the examiner or the Board shall allow, the Appellant shall file with the Board and serve upon the parties a specification of the errors to which the Appellant takes exception, separately enumerating such point relied upon. Each point shall be itemized by reference to the initial decision and to pages of the transcript or to matters in the record and shall be explained by a statement of the grounds for each exception, including Appellant's reasons for believing that the error was prejudicial to him. Any error that is not so specified shall be deemed to be waived by Appellant.

**§ 301.31 Issues on appeal.** In considering issues raised on appeal which relate to findings of fact or the remedial order of the examiner, the Board will consider only (a) whether any finding excepted to is supported by substantial, reliable, and probative evidence or (b) whether the remedial order is consistent with the Board's policy. If the Board determines that the examiner erred in any matter, the Board may then make any proper findings or order in lieu thereof or remand the case for further hearing. The Board upon its own motion may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such case a reasonable opportunity shall be afforded to the parties to submit argument thereon.

**§ 301.32 Briefs.** Any party may file a brief, and shall promptly furnish copies to all parties. Oral argument before the Board will not be granted unless specifically requested and a need therefor is shown. Opening briefs must be filed and served within 20 days after notice of the initial decision. Reply briefs are not required, but if submitted shall be filed within 10 days after service of the opening brief. Additional time for filing such briefs or for the privilege of filing further additional briefs may be

granted by the Board upon good cause shown.

**§ 301.33 Final decision.** When a Board order affirms an initial decision in whole or in part, the Board's order shall be based thereon except as otherwise indicated.

**§ 301.34 Petition for rehearing, reargument, reconsideration, or modification of Board order.** (a) Any party to a proceeding may request rehearing, reargument, reconsideration, or modification of a Board order. The request shall be in writing, filed with the Board, and served by the Petitioner upon the adverse party within 30 days after service of the order, unless good cause is shown for the delay. It shall contain a brief statement of the matters claimed to be erroneously decided. If the petition requests consideration of additional evidence, the nature and purpose of the new evidence and the reasons why such evidence was not presented at the time of the hearing must be stated.

(b) Replies to petitions filed pursuant to this section shall be filed and served upon Petitioner within 10 days after the receipt of the petition. Upon good cause shown, the Board may extend the time for filing such replies.

(c) The filing of a petition under this section shall not operate to stay the effectiveness of the order, unless otherwise ordered by the Board.

**§ 301.35 Saving clause.** Repeal or amendment of any Civil Air Regulation shall not affect any pending proceeding or any proceeding thereafter to alter, amend, modify, suspend, or revoke any certificate issued by the Administrator for causes arising or acts committed prior to said repeal or amendment, unless the act of repeal or amendment specifically so provides.

**§ 301.36 Decisions involving official notice.** Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall, upon filing a petition within 10 days after notice thereof, be afforded a reasonable opportunity to show to the contrary.

**§ 301.37 Applicable rules of Federal procedure.** In any situation not provided for or controlled by the foregoing rules of practice, the rules of civil procedure for the District Courts of the United States, where applicable, shall govern.

### REQUEST FOR ISSUANCE, WAIVER, RECONSIDERATION, AMENDMENT, OR RESCISSION OF CIVIL AIR REGULATIONS

**§ 301.40 Petitions for rule making.** Any interested person may petition the Board for the issuance, amendment, modification, or rescission of any Civil Air Regulation.

**§ 301.41 Filing of petitions.** Petitions for rule making shall set forth the facts upon which the request is based, and such petitions shall be verified by the individual filing the same, or if a corporation by a responsible officer thereof. The verification shall set forth that, to the best of his information and belief, every statement contained in the peti-

tion is true, and no such statement is misleading. An original and 5 copies shall be filed with the Board. The Board may not consider requests which do not conform with these requirements. Petitions will be given a docket number, and will become matters of public record upon filing.

**§ 301.42 Board action.** No public hearing, oral argument, or other formal proceedings will be held directly on any such petition, but if the Board determines that it discloses sufficient reasons in support of the relief requested to justify the institution of public rule-making procedures, an appropriate notice of proposed rule making will be issued. Thereafter the procedures to be followed will be as set forth in section 4 (b) of the Administrative Procedure Act. Where the Board determines that the petition does not disclose sufficient reasons to justify the institution of public rule-making procedures, Petitioner will be so notified together with the grounds for such denial.

**§ 301.43 Request for rule making by other Federal agencies.** The procedures set forth in §§ 301.40 through 301.42 shall not apply to recommendations for rule making submitted by other agencies of the government, nor shall they operate to prevent the Board, on its own motion, from acting on any matter disclosed in any such petition.

**§ 301.50 Requests for waiver.** Any interested person may petition the Board for a waiver of, or exemption from, a provision or provisions of the Civil Air Regulations.

**§ 301.51 Filing of petitions.** Petitions to the Board for waiver of, or exemption from, Civil Air Regulations shall comply with the requirements of § 301.41.

**§ 301.52 Board action.** No public hearing, oral argument, or other formal proceedings will be held directly on any such petition, but if the Board determines that it discloses sufficient reasons in support of the relief requested an appropriate order will be issued. When the Board determines that the petition does not disclose sufficient reasons for granting the request, Petitioner will be so notified together with the grounds for such denial.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 49-10048; Filed, Dec. 14, 1949;  
8:56 a. m.]

#### PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

##### MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 34.5 (a) is amended to read as follows:

**§ 34.5 Promotion, reassignment, and transfer—(a) From a hearing examiner position.** Promotions, reassessments and transfers from one hearing examiner position to another hearing examiner position shall be made in accordance with Part 8 of this chapter: *Provided*, That the prior approval of the Commission shall be secured before a promotion, reassignment or transfer is effected.

2. Effective upon publication in the FEDERAL REGISTER, § 34.6 (a) is amended to read as follows:

**§ 34.6 Reinstatement and restoration.** (a) Reinstatements of persons who formerly served as hearing examiners under the provisions of the Administrative Procedure Act shall be made in accordance with Part 7 of this chapter: *Provided*, That the prior approval of the Commission shall be secured before any such reinstatement is effected.

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] HARRY B. MITCHELL,  
Chairman.

[F. R. Doc. 49-10018; Filed, Dec. 14, 1949;  
8:52 a. m.]

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interpret or apply sec. 498, 46 Stat. 728, sec. 3, 59 Stat. 669; 19 U. S. C. 1493, 22 U. S. C. 288b. E. O. 9698, 9751, 9823, 9863, 9887, 9911, 9972, 11 F. R. 1809, 7713, 12 F. R. 551, 3559, 5723, 8719, 13 F. R. 3573; 3 CFR 1945, 1946, 1947 Supp.)

[SEAL]

FRANK DOW,  
Commissioner of Customs.

Approved: December 7, 1949.

JOHN S. GRAHAM,  
Acting Secretary of the Treasury.

[F. R. Doc. 49-10037; Filed, Dec. 14, 1949;  
8:53 a. m.]

## 6482 TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 521—EMPLOYMENT OF APPRENTICES

##### REQUEST FOR SPECIAL CERTIFICATE

The regulations contained in this part provide that an apprenticeship agreement covering the employment of an apprentice at wages below the minimum wage established in section 6 of the Fair Labor Standards Act of 1938 which has been approved and registered by a local joint apprenticeship committee, or other agency designated in § 521.3 of this part, shall be considered a temporary certificate authorizing employment at the rates specified in the agreement. The regulations also provide that upon approval of the agreement by such committee or agency the employer or the approving agency shall immediately send the approved agreement to the Wage and Hour Division, and that the Administrator or his authorized representative may then issue a special certificate authorizing employment of the named apprentice in accordance with the terms of the apprenticeship agreement.

At the present time there are in effect many apprenticeship agreements providing for wages above the currently applicable 40-cent minimum established in that act, but below the 75-cent minimum which will become effective on January 25, 1950, pursuant to the Fair Labor Standards Amendments of 1949. In order to permit continued employment under such agreements which, prior to January 25, 1950, have been registered and approved as provided in § 521.3, the requirement that such agreements be submitted to the Wage and Hour Division for the issuance of special certificates will be relaxed.

Accordingly, pursuant to the authority vested in me by section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, 29 U. S. C. 214; as amended, Pub. Law 393, 81st Cong., 1st Sess.), § 521.4 is amended by designating the present paragraph as (a), and by adding a new paragraph to be designated as (b) and to read as follows:

§ 521.4 Request for special certificate.

\* \* \*

(b) The requirement of this section that the approved apprenticeship agreement be sent to the Wage and Hour Division with a request for issuance of

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 7—REINSTATEMENT

##### COMMISSION APPROVAL REQUIRED

###### Correction

In Federal Register Document 49-9852, appearing at page 7367 of the issue for Friday, December 9, 1949, the first two lines should read: "Section 7.103 (a) is amended to read as follows:"

## 6481 TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52363]

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

##### INTERNATIONAL ORGANIZATIONS

Section 10.30a, Customs Regulations of 1943 (19 CFR 10.30a), as amended by T. D. 51657 (12 F. R. 2383), T. D. 51713 (12 F. R. 4450), T. D. 51776 (12 F. R. 6949), T. D. 51826 (13 F. R. 264), and T. D. 52007 (13 F. R. 4920), is hereby further amended as follows:

1. Paragraph (a) is amended by deleting the following: "The United Nations Relief and Rehabilitation Administration, The Inter-American Coffee Board, The Intergovernmental Committee on Refugees;" by deleting the word "and" before "The International Joint Commission," by changing the period thereafter to a comma, and by adding the following: "the World Health Organization, and the Caribbean Commission."

2. The first sentence of footnote 33b is amended to read as follows: "Executive Orders Nos. 9698, 9751, 9823, 9863, 9887, 9911, 9972, 10025, and 10083, dated February 19, 1946, July 11, 1946, January 24, 1947, May 31, 1947, August 22, 1947, December 19, 1947, June 25, 1948, December 30, 1948, and October 10, 1949, respectively."

## RULES AND REGULATIONS

a special certificate need not be met in the case of an apprenticeship agreement which has been approved and registered prior to January 25, 1950, with either (1) a local joint apprenticeship committee, consisting of an equal number of representatives of employers and of labor, whose membership and procedures have been recognized by a recognized state apprenticeship council (or authority), or if no such council (or authority) exists in the state, by the Federal Committee on Apprenticeship; or (2) a state apprenticeship council (or corresponding apprenticeship authority) if such council (or authority) has been recognized by the Federal Committee on Apprenticeship or by the Bureau of Apprenticeship in the U. S. Department of Labor; and such approved and registered agreement shall be deemed a certificate authorizing employers to employ apprentices at the wage rates and for the periods specified in said agreement, until such time as such authorization is rescinded, revoked or otherwise modified: *Provided, however,* That nothing contained herein shall relieve an employer from complying with the requirements of the act or these regulations prior to January 25, 1950.

In view of the fact that complete and conclusive information necessary to a final determination of the propriety of amending the regulations in this manner is currently in the possession of the Administrator, it is deemed unnecessary to conform with the public procedure provided in section 4 (b) of the Administrative Procedure Act.

These amendments will become effective thirty days after date of publication hereof in the FEDERAL REGISTER.

(Sec. 214, 52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214)

Signed at Washington, D. C., this 9th day of December 1949.

W. M. R. McCOMB,  
Administrator.

[F. R. Doc. 49-10008; Filed, Dec. 14, 1949;  
8:49 a. m.]

**TITLE 32—NATIONAL DEFENSE****Chapter V—Department of the Army****JOINT PROCUREMENT REGULATIONS****SPECIFIC AUTHORIZATION AND CITATION OF STATUTORY AUTHORITIES**

The Joint Procurement Regulations, formerly published as Parts 801 to 813, of Chapter VIII, Title 10, are amended by changing § 804.105-3 (b) and § 804.105-6 to read as follows:

**§ 804.105-3 Specific authorization; statutory authorities.** \* \* \*

(b) *National Military Establishment Appropriation Act, 1950 (Pub. Law 434, 81st Cong.), approved October 29, 1949.*

SEC. 601. During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, and Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the National Military Establishment or the Department concerned are inadequate, are authorized to procure services in accordance with section

15 of the act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized in travel orders or letters of appointment.

**§ 804.105-6 Citation of statutory authorities.** Each such contract, supplemental agreement, and change order, will cite as authority section 601, National Military Establishment Appropriation Act, 1950 (Pub. Law 434; 81st Cong.), approved October 29, 1949, and, in addition, section 15 of the act approved August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a).

[Proc. Cir. 29, Nov. 29, 1949] (62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 49-10025; Filed, Dec. 14, 1949;  
8:54 a. m.]

**TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF****Chapter I—Veterans' Administration****PART 21—VOCATIONAL REHABILITATION AND EDUCATION****SUBPART B—EDUCATION AND TRAINING  
Correction**

In Federal Register Document 49-9763, appearing at page 7355 of the issue for Thursday, December 8, 1949, amendatory paragraph 4 should read as follows:

4. Sections 21.213, 21.214, and 21.215 are hereby canceled.

**TITLE 39—POSTAL SERVICE****Chapter I—Post Office Department****PART 63—INDEMNITY FOR LOSSES****PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY****CLAIMS FOR REFUND OF POSTAGE; REFUSED DAMAGED PARCELS**

a. In Part 63, Indemnity for Losses (13 F. R. 8976), make the following change:

Insert a new section immediately following § 63.5 to read as follows:

**§ 63.5a Claims for refund of postage.**

(a) Claims for indemnity for postage paid on lost parcels, or on parcels the contents of which were totally damaged or entirely missing, will be allowed, in addition to the proved claimed value of the article or articles, provided the combined amount does not exceed the total amount payable for the fee paid on the parcel at the time of mailing. Indemnity will not be paid for postage if not claimed. If the amount claimed for postage exceeds that stated in the declaration of the mailing office, claim for postage should be allowed for the amount stated in the declaration of the mailing office. Claim for special-delivery fee,

the special-handling charge, or the fee paid for a return receipt may also be allowed in cases of outright loss (disappearance of the parcel). The insurance or c. o. d. fees must not be included.

(b) Claim for refund of the return postage paid on a parcel which was refused because of its damaged condition and returned after examination by the postmaster had disclosed only partial damage to the contents may be allowed. Claim may also be allowed for refund of the postage paid on a duplicate shipment made in such a case. In either instance the insurance or c. o. d. fee must not be included.

(R. S. 161, 396, 41 Stat. 581, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 382)

b. In § 64.7 *Delivery*, (13 F. R. 8980), add a new paragraph (d) to read as follows:

(d) *Refused damaged parcels.* If the addressee refuses to accept a parcel in apparently damaged condition he should be advised that acceptance will not prejudice any claim for indemnity, but on the contrary would expedite the filing and settlement of the claim. If the parcel is still refused the postmaster should examine the contents and make another attempt to deliver it if all the articles are in good condition or only slightly damaged. If the second attempt at delivery is unsuccessful, the sender should be notified of the refusal and extent of damage and if no response is received, the parcel should be returned to sender at the expiration of the proper retention period. If the examination discloses that the contents are damaged beyond repair or rendered worthless, the sender should be notified to that effect and the parcel held pending receipt of instructions or the filing of a claim. If instructions are not received and a claim is not filed within a reasonable length of time the postmaster at the office of mailing should be requested to ascertain the disposition to be made of the damaged articles.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 43 Stat. 1069; 5 U. S. C. 22, 369, 39 U. S. C. 244)

[SEAL] V. C. BURKE,  
Acting Postmaster General.

[F. R. Doc. 49-10007; Filed, Dec. 14, 1949;  
8:47 a. m.]

**TITLE 43—PUBLIC LANDS:  
INTERIOR****Chapter I—Bureau of Land Management, Department of the Interior****Appendix—Public Land Orders  
[Public Land Order 620]****ALASKA****EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES**

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and pursuant to Executive Order No.

9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests in Alaska, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (U. S. C., title 48, sec. 461):

## CHUGACH NATIONAL FOREST

On eastern shore of Orca Inlet, mainland of Alaska, adjoining U. S. Survey No. 2552, 3.63 acres; latitude 60°29'18" N., longitude 145°55' W. (Homesite No. 31).

## TONGASS NATIONAL FOREST

U. S. Survey No. 2321, lot Y, 4.72 acres; latitude 56°27'10" N., longitude 132°23' W. (Homesite No. 692, Wrangell Highway Group).

U. S. Survey No. 2603, lot 24, 3.20 acres; latitude 55°25'42" N., longitude 131°50' W. (Homesite No. 843, Point Higgins Group).

U. S. Survey No. 2891, lot D, 4.81 acres; latitude 58°23'30" N., longitude 134°38' W. (Homesite No. 485, Triangle Group).

On the southeast shore of Clover Pass near Survey Point, Revillagigedo Island, 4.17 acres; latitude 55°28'11" N., longitude 131°48'30" W. (Homesite No. 880).

U. S. Survey No. 2806, lot 5, 5.00 acres; latitude 55°29' N., longitude 131°48' W. (Homesite No. 852, Clover Pass Group).

U. S. Survey No. 2554, lot T, 2.23 acres; latitude 55°28' N., longitude 131°47' W. (Homesite No. 811, Clover Pass Group).

U. S. Survey No. 2843, lot G, 4.72 acres; latitude 55°24'30" N., longitude 131°45'35" W. (Homesite No. 135, Mud Bay Group).

U. S. Survey No. 2556, lot X, 3.08 acres; latitude 55°28'11" N., longitude 131°48'30" W. (Homesite No. 831, Clover Pass Group).

U. S. Survey No. 2402, lot A, 2.03 acres; latitude 55°18' N., longitude 131°32' W. (Homesite No. 675, Mountain Point Group).

U. S. Survey No. 2402, lot 54, 2.64 acres; latitude 55°18' N., longitude 131°32' W. (Homesite No. 791, Mountain Point Group).

U. S. Survey No. 2402, lot 49, 1.32 acres; latitude 55°18' N., longitude 131°32' W. (Homesite No. 837, Mountain Point Group).

On the Sawmill Section of the Sitka Highway approximately 4 miles southeast of Sitka

1.53 acres; latitude 57°03' N., longitude 135°17' W. (Homesite No. 1029).

OSCAR L. CHAPMAN,  
*Secretary of the Interior.*

DECEMBER 9, 1949.

[F. R. Doc. 49-10006; Filed, Dec. 14, 1949;  
8:47 a.m.]

*6487*  
[Public Land Order 621]

## ALASKA

RESERVING CERTAIN PUBLIC LANDS WITHIN  
THE GLACIER BAY NATIONAL MONUMENT  
FOR DEVELOPMENT AS ADMINISTRATIVE  
SITES AND FOR PUBLIC USE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, all public lands within the following-described areas in the Glacier Bay National Monument, in Alaska, are hereby withdrawn from all forms of appropriation under the mining laws and reserved for development by the National Park Service, Department of the Interior, as administrative sites and for the use of persons visiting the said monument.

## BARTLETT COVE

## COPPER RIVER MERIDIAN

T. 39 S., R. 58 E.,  
Sec. 19, lots 1 to 8, inclusive, E $\frac{1}{2}$ SE $\frac{1}{4}$  and  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 20, lots 1 to 5, inclusive, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 29, lots 1 to 5, inclusive, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 30, lots 1 to 5, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 31, lots 1 to 4, inclusive E $\frac{1}{2}$ SE $\frac{1}{4}$ ; also  
A tract of unsurveyed land covering all or parts of secs. 21, 28, 29, 32, and 33, T. 39 S., R. 58 E., described as:

Beginning at the NE corner of sec. 4, T. 40 S., R. 58 E., thence by metes and bounds;

North, 2 $\frac{1}{2}$  miles;

West,  $\frac{1}{4}$  mile approximately to shore line of Bartlett River;

Southwesterly, 3 miles approximately along shore line of Bartlett River and Cove to the M. C. on the east boundary of sec. 31, T. 39 S., R. 58 E.;

South,  $\frac{1}{8}$  mile to Township line between

Tps. 39 and 40 S.;

East, 2 miles to point of beginning.

The areas described aggregate 1,256.51 acres of surveyed lands and approximately 2,000 acres of unsurveyed lands.

## DUNDAS BAY

All lands lying between latitude 58°21' N., and latitude 58°23' N., and longitude 136°28' W., and the east shore on the South Arm of Dundas Bay.

The area described contains approximately 1,300 acres.

## SANDY COVE

Beginning at the mouth of Wolf Creek at the head of a small cove on the east shore of Glacier Bay, in latitude 58°42'25" N., longitude 135°57'25" W., thence by metes and bounds;

Southerly, 1 mile along the shore of unnamed cove, at ordinary high tide;

East,  $\frac{1}{4}$  mile;

Northerly,  $\frac{3}{4}$  miles, approximately,  $\frac{1}{4}$  mile east of and parallel to the shore line of the unnamed cove and Wolf Creek to latitude 58°44' N.;

West,  $\frac{3}{4}$  miles to the shore of North Cove;

Southerly, along shore line of North Cove and Sandy Cove at ordinary high tide to Southerly point of peninsula;

Northeasterly, along shore line of unnamed cove to point of beginning, and

Including the two (2) large islands and adjacent small islands immediately off shore of the above area.

The areas described aggregate approximately 2,700 acres.

## BERG BAY

All lands within  $\frac{1}{2}$  mile of the shore of Berg Bay at ordinary high tide, and including all islands within the Bay. Latitude 58°32' N., longitude 136°10' W.

The areas described aggregate approximately 4,200 acres.

## HUGH MILLER INLET

All land within  $\frac{1}{4}$  mile of the shore on the southeast end of Gilbert Island and the two adjacent Islands, between Hugh Miller Inlet and Glacier Bay. Latitude 58°47' N., longitude 136°30' W.

The areas described aggregate approximately 1,600 acres.

OSCAR L. CHAPMAN,  
*Secretary of the Interior.*

DECEMBER 9, 1949.

[F. R. Doc. 49-10005; Filed, Dec. 14, 1949;  
8:47 a.m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER  
RESERVING CERTAIN PUBLIC LANDS WITHIN  
THE GLACIER BAY NATIONAL MONUMENT  
FOR DEVELOPMENT AS ADMINISTRATIVE  
SITES AND FOR PUBLIC USE<sup>1</sup>

For a period of 60 days from the date of publication of the above entitled or-

<sup>1</sup>See F. R. Doc. 49-10005, Title 43, Chapter I, Appendix, *supra*.

der, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the

proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,  
*Secretary of the Interior.*

DECEMBER 9, 1949.

[F. R. Doc. 49-10036; Filed, Dec. 14, 1949;  
8:54 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6253]

KENTUCKY UTILITIES CO.

## NOTICE OF APPLICATION

DECEMBER 12, 1949.

Notice is hereby given that on December 9, 1949, Kentucky Utilities Company (Kentucky), a corporation organized under the laws of the Commonwealth of Kentucky, filed an application pursuant to section 203 of the Federal Power Act seeking an order authorizing Kentucky to acquire all of the physical properties owned by Kentucky Electric Power Company in Kentucky or, in the alternative, an order dismissing the application for want of jurisdiction. Such properties are stated to be situated in Hopkins and Christian Counties, Kentucky, and to consist of real estate, a generating station, and the electric transmission and distribution system of the seller, including distribution systems in the town of Nortonville, Kentucky, and approximately 31 miles of 33 kv transmission line. The consideration is stated to be \$375,000 with certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 29th day of December 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 49-10019; Filed, Dec. 14, 1949;  
8:52 a. m.]

[Docket No. G-12861]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER AMENDING FINDINGS AND  
ORDER ISSUING A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY

DECEMBER 9, 1949.

Notice is hereby given that, on December 6, 1949, the Federal Power Commission issued its order entered December 6, 1949, amending findings and order issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 49-10002; Filed, Dec. 14, 1949;  
8:46 a. m.]

[Docket No. G-12961]

MONTANA-DAKOTA UTILITIES CO.

## NOTICE OF APPLICATION

DECEMBER 9, 1949.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation, with address, Minneapolis, Minnesota, filed on November 14, 1949, an application for a certificate of public convenience and necessity pursuant to

## NOTICES

section 7 of the Natural Gas Act, authorizing the construction of certain transmission pipe-line facilities hereinafter described, for the transportation and sale of natural gas and as a replacement of existing facilities which are a part of the Baker-Bowdoin transmission line.

Applicant proposes to construct 42,607 feet of 6-inch pipe line to replace 41,817 feet of 4-inch and 790 feet of 6-inch pipe line and says that the latter line is in poor condition and causes excessive line loss of capacity and pressure. No new community will be served.

The estimated cost of the proposed facilities is \$65,066.43, which will be financed from funds on hand. The estimated salvage value of the pipe to be reclaimed is \$24,160.40.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 49-10020; Filed, Dec. 14, 1949;  
8:52 a. m.]

[Docket No. G-1301]

TENNESSEE GAS TRANSMISSION CO.

## NOTICE OF APPLICATION

DECEMBER 9, 1949.

Take notice that on December 2, 1949, Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a sales meter station at a point on its 26-inch gas transmission line near Morehead, Kentucky, for the sale of natural gas to the City of Morehead (City) on an interruptible basis.

Applicant states it proposes to sell natural gas to the City of Morehead, Kentucky, on an interruptible basis, such quantities of natural gas as the City may require from day to day, over and above the quantities of natural gas it is able to obtain from its present source of supply, to meet its requirements for resale and distribution in Morehead and environs, but not in excess of 500 Mcf in any one day.

Applicant requests the issuance of a temporary certificate to it on an emergency basis authorizing the construction and operation of the proposed facilities pending the determination of its application for a permanent certificate. In this connection Applicant states that during the winter of 1948-49, the people of Morehead and environs suffered a serious curtailment of natural gas service due to insufficient pressure at their meters, and such curtailment has already begun again this year.

Applicant states that the small volume of gas involved will come from the gas reserves shown to be available to Applicant's system in Exhibit No. 337 at Docket No. G-962.

The estimated capital cost of the proposed facilities is \$3,000, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 49-10004; Filed, Dec. 14, 1949;  
8:46 a. m.]

[Project No. 1393]

PEND OREILLE MINES AND METALS CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT  
OF LICENSE (MAJOR)

DECEMBER 9, 1949.

Notice is hereby given that, on December 8, 1949, the Federal Power Commission issued its order entered December 6, 1949, authorizing amendment of license (major) in the above-designated matter.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 49-10003; Filed, Dec. 14, 1949;  
8:46 a. m.]INTERSTATE COMMERCE  
COMMISSION

[4th Sec. Application 24713]

VARIOUS COMMODITIES BETWEEN POINTS IN  
OFFICIAL TERRITORY

## APPLICATION FOR RELIEF

DECEMBER 12, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

Between: Points in Trunk Line and New England territories, on the one hand, and points in Central territory, on the other.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 49-10024; Filed, Dec. 14, 1949;  
8:54 a. m.]

[4th Sec. Application 24714]

**AGRICULTURAL IMPLEMENTS FROM MEMPHIS, TENN., TO NEW ORLEANS, LA.**

**APPLICATION FOR RELIEF**

DECEMBER 12, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, pursuant to fourth-section order No. 16101.

Commodities involved: Agricultural implements, carloads.

From: Memphis, Tenn.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 49-10023; Filed, Dec. 14, 1949;  
8:53 a. m.]

[4th Sec. Application 24715]

**CAST IRON PIPE AND FITTINGS FROM THE SOUTH TO KANSAS AND MISSOURI**

**APPLICATION FOR RELIEF**

DECEMBER 12, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 999.

Commodities involved: Cast iron pipe and fittings, carloads.

No. 241—2

From: Points in the south.  
To: Points in Kansas and Missouri.  
Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 999, Supplement 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 49-10022; Filed, Dec. 14, 1949;  
8:53 a. m.]

[4th Sec. Application 24716]

**HIDES FROM THE SOUTH TO NEW ENGLAND TERRITORY**

**APPLICATION FOR RELIEF**

DECEMBER 12, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Green salted or pickled hides, pelts or skins, carloads.

From: Points in the south.

To: Points in Massachusetts, New Hampshire and New York.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 981, Supplement 134. W. P. Emerson, Jr.'s tariff I. C. C. No. 376, Supplement 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 49-10021; Filed, Dec. 14, 1949;  
8:53 a. m.]

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 7-1126]

**CONSUMERS POWER CO.**

**NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of December A. D. 1949.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Consumers Power Company, a security listed and registered on the New York Stock Exchange and on the Detroit Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 22, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 49-10017; Filed, Dec. 14, 1949;  
8:51 a. m.]

[File No. 7-1132]

**SOUTHERN CO.**

**NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of December A. D. 1949.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of

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The Southern Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 22, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 49-10013; Filed, Dec. 14, 1949;  
8:50 a. m.]

[File No. 7-1133]

UNITED GAS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of December A. D. 1949.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$10 Par Value, of United Gas Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 22, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.  
[F. R. Doc. 49-10011; Filed, Dec. 14, 1949;  
8:49 a. m.]

[File No. 7-1137]

SOUTHERN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of December A. D. 1949.

The Philadelphia-Baltimore Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of The Southern Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 3, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.  
[F. R. Doc. 49-10012; Filed, Dec. 14, 1949;  
8:50 a. m.]

[File Nos. 54-142, 59-84]

WEST PENN ELECTRIC CO. ET AL.

ORDER CORRECTING PREVIOUS DOCUMENT

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 8th day of December A. D. 1949.

In the matter of the West Penn Electric Company, et al. (Applicants), File No. 54-142; American Water Works and Electric Company, Inc. and Subsidiary Companies (American Water Works and Electric Company, Inc., dissolved and liquidated, The West Penn Electric Company being successor both as to assets and obligations) (Respondents), File No. 59-84.

By order dated October 10, 1949 this Commission authorized and approved the payment of certain fees and expenses applicable to the consummation of certain plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by the above-named parties. Included among these items was a reimbursement for disbursement by the Protective Committee for the common stock of Community Water Service Company erroneously listed in the Commission's order at \$448.91 but which should have been listed at \$548.91;

*It is accordingly ordered, That West Penn Electric Company pay to the Protective Committee for the common stock of Community Water Service Company an aggregate of \$548.91 as reimbursement for disbursements by that committee in connection with the above-captioned proceedings.*

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 49-10016; Filed, Dec. 14, 1949;  
8:51 a. m.]

[File No. 70-2057]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of December A. D. 1949.

Utah Power & Light Company ("Utah"), a registered holding company, and its wholly owned electric utility subsidiary, The Western Colorado Power Company ("Colorado"), having filed an amendment to an application-declaration herein pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9 (a), 10 and 12 (f) thereof, and Rule U-45 of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Utah now owns all of the outstanding securities of Colorado consisting of 110,000 shares of \$20 par value common stock, a 15-year 4% note in the principal amount of \$2,500,000 and the notes evidencing temporary borrowings described below.

On March 17, 1949, the Commission authorized the borrowing of \$700,000 by Colorado from Utah to finance the former company's construction program during the year 1949 (Holding Company Act Release No. 8937). Said loans were to be evidenced by notes bearing 3½% interest per annum, and maturing not more than eleven months from the date thereof. Pursuant to Commission authorization, Colorado borrowed \$700,000 from Utah at various times in 1949 issuing its notes therefor maturing at various times in 1950.

The present amendment states that due to the acceleration of Colorado's construction program additional funds are required for this financing. Accordingly, Colorado proposes to borrow from

Utah during the remainder of the year 1949, \$300,000. Such borrowings are to be evidenced by Colorado's promissory note or notes which will bear interest at the rate of 3½% per annum and will mature not more than eleven months after the date thereof.

The amendment herein further states that after January, 1950 the companies will request authorization for the making of further advances to Colorado to finance the construction program for the year 1950. At that time authorization will be sought to provide for the conversion of the outstanding and proposed temporary loans aggregating \$1,000,000 into long-term financing of Colorado.

Said amendment to the application-declaration having been filed on November 18, 1949, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said amendment within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions satisfy the applicable standards of the act and observing no basis for adverse findings, and the Commission deeming it appropriate to grant and permit to become effective said application-declaration as herein amended, and also deeming it appropriate to grant applicants'-declarants' request that the order herein become effective upon the issuance thereof:

*It is ordered,* Pursuant to said Rule U-23 and the applicable standards of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application-declaration as herein amended be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 49-10015; Filed, Dec. 14, 1949;  
8:51 a.m.]

[File No. 70-2265]

CENTRAL POWER AND LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of December A. D. 1949.

Central Power and Light Company ("Power and Light"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6, 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of \$5,500,000 principal amount of Sinking Fund Debentures due 1974; and

The Commission having, by Order dated November 29, 1949, permitted said

declaration, as amended, to become effective, subject to the condition that the proposed issuance and sale of debentures by Power and Light should not be consummated until the results of competitive bidding, pursuant to Rule U-50, had been made a matter of record in these proceedings and a further order entered by the Commission in the light of the record so completed; and

Power and Light having, on December 8, 1949, filed a further amendment to its declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids for the debentures were received:

Bidding group headed by—	Interest rate	Price to company (percent of principal amount) <sup>1</sup>	Cost to company
Carl M. Loeb, Rhoades & Co.	Percent 27½	Percent 99.27	Percent 2.9165
Kidder, Peabody & Co.	Percent 27½	Percent 99.061	Percent 2.9284
Union Securities Corp.	3	101.175	2.9334
The First Boston Corp.	3	101.129	2.9360
Lehman Brothers and Glore, Forgan & Co.	3	101.083	2.9386
Halsey, Stuart & Co., Inc.	3	101.0569	2.9400
Merrill Lynch, Pierce, Fenner & Beane and Solomon Bros. & Hutzler.	3	100.901	2.9488

<sup>1</sup> Plus accrued interest from Dec. 1, 1949.

Said amendment further stating that Power and Light has accepted the bid of Carl M. Loeb, Rhoades & Co., as set out above, and that said debentures are to be offered to the public at 99.625% of the principal amount thereof, plus accrued interest from December 1, 1949, resulting in an underwriter's spread of 0.355% of the principal amount of said debentures; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received by the company, the interest rate thereon, the redemption prices thereof, or the underwriter's spread:

*It is ordered,* That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said debentures be, and the same hereby is, released, and that said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 49-10014; Filed, Dec. 14, 1949;  
8:50 a. m.]

[File No. 70-2277]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 8th day of December 1949.

Notice is hereby given that a joint application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Union Electric Company of Missouri ("Union"), a subsidiary of The North American Company, both registered holding companies, and Union's wholly owned public-utility subsidiary, Union Electric Power Company ("Power"). Applicants-declarants designate sections 6 (b), 9 (a) and 10 of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 27, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after December 27, 1949, said application-declaration, as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Power proposes to issue and sell to Union, from time to time, during the period ending June 30, 1951, shares of its Preferred Stock, 4% Series, par value \$100 per share, in amounts aggregating \$4,500,000 par value, and shares of its Common Stock, par value \$20 per share, in amounts not exceeding \$13,130,000 aggregate par value. All of such additional Preferred and Common Stock of Power will be pledged by Union with the Trustee under the Mortgage and Deed of Trust, dated June 15, 1937, between Union and St. Louis Union Trust Company, Trustee, securing its First Mortgage and Collateral Trust Bonds, under which there is now pledged all of the presently outstanding \$84,870,000 par value of Common Stock and \$25,500,000 par value of Preferred Stock of Power.

The application-declaration states that the proceeds from the proposed issuance and sale, together with other corporate funds of Power, will be used to finance construction costs of Power, estimated in the amount of \$27,000,000 for the period ending June 30, 1951.

After the purchase of Power's Preferred Stock, Union proposes to acquire the additional Common Stock of Power, from time to time, as additional funds are required by Power, and to the extent that such purchases exceed Union's cash resources, Union expects to obtain ad-

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ditional funds through temporary or permanent financing.

Applicants-declarants have filed applications with the Illinois Commerce Commission and the Public Service Commission of Missouri regarding the proposed transactions.

Applicants-declarants request that the Commission's order herein issue on or before December 31, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 49-10010; Filed, Dec. 14, 1949;  
8:49 a. m.]

[File No. 70-2279]

## COLUMBIA GAS SYSTEM, INC.

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of December 1949.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Columbia Gas System, Inc. ("Columbia"), a registered holding company. Declarant has designated section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 22, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after December 22, 1949, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia and its subsidiary, The Ohio Fuel Gas Company ("Ohio Fuel"), propose to enter into a supplemental interest agreement whereby Columbia will agree to accept an amount as the interest on the 3 1/4% notes of Ohio Fuel which it presently holds or may hereafter hold, so that the average interest paid by Ohio Fuel on all its debt obligation, consisting of 6% and 3 1/4% notes, held by Columbia will not exceed 3 1/4%.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 49-10009; Filed, Dec. 14, 1949;  
8:49 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 8 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10891, Amdt.]

GEORG ENDELmann ET AL.

In re: Interests in real property owned by Georg Endelmann, Marie Thielbeer, Katinka Hinrichs and the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Augusta Meierhoff, deceased, of Wilhelm Endelmann, deceased, and of Friedrich Endelmann, deceased.

Vesting Order 10891, dated March 15, 1948, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 10891 and substituting therefor the following:

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Augusta Meierhoff, deceased, of Wilhelm Endelmann, deceased, and of Friedrich Endelmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order 10891 and all sections taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-9993; Filed, Dec. 13, 1949;  
8:49 a. m.]

[Vesting Order 14063]

JENNIE GOODMAN

In re: Trust u/w of Jennie Goodman, also known as Jenny Goodman, deceased. File No. D-28-2193; E. T. sec. 2864.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Lipschutz, Lieselotte Lipschutz and Hildegard Lipschutz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the trust created under the will of Jennie Goodman, also known as Jenny Goodman, deceased, is property payable or deliverable to, or

claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Security First National Bank of Los Angeles, as trustee, acting under the judicial supervision of the Superior Court of California, for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10038; Filed, Dec. 14, 1949;  
8:53 a. m.]

[Vesting Order 14069]

WILLIAM KRANKENHAGEN ET AL.

In re: Trust agreement dated June 1, 1938 between William Krankenhenagen and Hellen Krankenhenagen, grantors, and Arthur K. Lueders and Albert Kueffner, trustees. File No. F-28-6929-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William (Wilhelm) Krankenhenagen, Hellen Krankenhenagen, Hagen Krankenhenagen, Helga Schwaab (nee Krankenhenagen), Dagmar Schwaab, Barbara Schwaab, Heidrun Krankenhenagen, Gernot Krankenhenagen and Falko Krankenhenagen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Helga Schwaab and of Hagen Krankenhenagen, and the heirs at law, names unknown, of William Krankenhenagen and of Hellen Krankenhenagen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain

trust agreement dated June 1, 1938, by and between William Krankenhagen and Hellen Krankenhagen, grantors, and Arthur K. Lueders and Albert Kueffner, trustees, including specifically but without limitation the right of William Krankenhagen to revoke, change or amend the provisions of the said trust agreement and the right to demand or require a conveyance of all or any of the trust property to himself or any other person, presently being administered by Arthur K. Lueders and Albert Kueffner, as trustees, 723-727 New York Building, St. Paul 1, Minnesota,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Helga Schwaab and of Hagen Krankenhagen, and the heirs at law, names unknown, of William Krankenhagen and of Hellen Krankenhagen are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10039; Filed, Dec. 14, 1949;  
8:53 a. m.]

[Vesting Order 14073]

ELISABETH MARBURY

In re: Trust under will of Elisabeth Marbury, deceased. File D-28-11079; E. T. sec. 15516.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Kusswetter, Theresa Kusswetter, Emma Dlugajcyk and Paul Nashan, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Alice Kusswetter, deceased, except Annette Iler, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Annette Iler, a resident of the United States, in and to the Trust under Will of Elisabeth Marbury, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Alice Kusswetter, deceased, except Annette Iler, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10040; Filed, Dec. 14, 1949;  
8:54 a. m.]

[Vesting Order 14109]

USABURO ENDO

In re: Rights of Usaburo Endo under insurance contract. File No. F-39-4939-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Usaburo Endo, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1072 277, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Usaburo Endo, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10041; Filed, Dec. 14, 1949;  
8:54 a. m.]

[Vesting Order 14111]

ANNEMARIE HARTMANN ET AL.

In re: Rights of Annemarie Hartmann et al. under insurance contracts. Files No. F-28-26594-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annemarie Hartmann, nee Schirmer, Johanna Krisch nee Schirmer, Gabriele Kuhnert, nee Schirmer, Dr. Hans Strubing and Gabriele Kramer, nee Strubing, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts evidenced by Interest Income Certificates Nos. 758408 and 758409, issued by The Mutual Benefit Life Insurance Company, Newark, New

## NOTICES

Jersey, to Elizabeth Schirmer, together with the right to demand, receive and collect said net proceeds.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10042; Filed, Dec. 14, 1949;  
8:54 a. m.]

[Vesting Order 14112]

ARTHUR HETZER AND PAULA JAGER

In re: Rights of Arthur Hetzer and Paula Jager, nee Hetzer, under insurance contract. File No. D-28-11563-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Hetzer and Paula Jager, nee Hetzer, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 17678 E, issued by the Modern Woodmen of America, Rock Island, Illinois, to Richard F. Hartling, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10043; Filed, Dec. 14, 1949;  
8:55 a. m.]

SUZANNE AND STEPHEN BORNEMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Suzanne Bornemann, Stephen Bornemann, 15, rue de Tournon, Paris, France, Claim No. 37099; \$363.98 in the Treasury of the United States jointly to Suzanne Bornemann and Stephen Bornemann. Property to the extent owned by claimants immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, Nov. 17, 1944) relating to literary works listed under the name of Paul Decourcelle in Exhibit A of the vesting order.

Executed at Washington, D. C., on December 8, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-9998; Filed, Dec. 13, 1949;  
8:53 a. m.]

[Return Order 5021]

HEDWIG BILECKI

Having considered the claim set forth below and having issued a determination

allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Hedwig Bilecki, Cheviot, Ohio, 12984; November 4, 1949 (14 F. R. 6708); \$6,684.91 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10047; Filed, Dec. 14, 1949;  
8:56 a. m.]

[Return Order 493]

MARGUERITE LE GHAIK VON STEIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marguerite Le Ghait von Stein, Vernate pr. Lugano Ticino, Switzerland; 42475; October 14, 1949 (14 F. R. 6272); all right, title and interest of Marguerite Von Stein in and to the trusts created under the Will of Fanny Payson, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 49-10046; Filed, Dec. 14, 1949;  
8:56 a. m.]

[Vesting Order 14113]

KATSUTA INOUYE

In re: Rights of Katsuta Inouye under insurance contract. File No. F-39-4624-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsuta Inouye, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-44867, issued by the California-Western States Life Insurance Company, Sacramento, California, to Katsuta Inouye, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
*Acting Director,*  
*Office of Alien Property.*

[F. R. Doc. 49-10044; Filed, Dec. 14, 1949;  
8:55 a. m.]

[Vesting Order 14115]

CLARA ADAMEK MALYS

In re: Rights of Clara Adamek Malys under insurance contract. File No. F-28-25195-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Adamek Malys, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4819358, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Paul Malys, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
*Acting Director,*  
*Office of Alien Property.*

[F. R. Doc. 49-10045; Filed, Dec. 14, 1949;  
8:55 a. m.]

